

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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DATE FILED: 11/28/12

DEWEY R. BOZELLA,

Plaintiff,

v.

**THE COUNTY OF DUTCHESS and
WILLIAM J. O'NEILL**

Defendants.

No. 10 Civ. 4917 (CS) (GAY)

**~~[PROPOSED]~~ SECOND
AMENDED SCHEDULING
ORDER AND
DISCOVERY PLAN**

**~~[PROPOSED]~~ SECOND AMENDED SCHEDULING ORDER
AND DISCOVERY PLAN**

1. Fact Depositions:

a) Each side (Defendants as one side; and Plaintiff as the other side) shall be permitted to take a maximum of twenty (20) fact depositions. Nothing herein shall prevent any Party from seeking leave from the Court to take additional fact depositions.

b) All depositions of fact witnesses shall be completed by November 16, 2012.

c) Notwithstanding paragraph 1(b) herein, the Parties have agreed that the deposition of John Garrity, Jr., pursuant to Defendants' subpoena may take place on a date prior to December 15, 2012, to be agreed upon by the Parties and Mr. Garrity.

2. Interrogatories:

a) Each Party shall be limited to a total of 25 written interrogatories consistent with Local Rule 33(a), including all discrete subparts, and inclusive of interrogatories already served, provided, however, that all special interrogatories served pursuant to an Order by Judge Yanthis shall not count towards such limit.

b) The Parties may serve contention interrogatories in addition to those set forth in paragraph 2(a) herein. However, no Party may serve contention interrogatories until after November 16, 2012. The Parties shall meet-and-confer in November 2012 to identify the number of contention interrogatories that shall be permitted for each side.

3. Electronically-Stored Information:

a) The Parties have discussed all foreseeable issues relating to the preservation and production of electronically-stored information ("ESI"), including the sources to be searched for ESI and the format and costs of ESI production.

b) The Parties do not have any disputes regarding ESI, but reserve the right to raise any disputes with the Court should any disputes arise in the future.

4. Expert Reports and Discovery:

a) Any Party that seeks to submit expert testimony shall identify all such areas to all other Parties on or before December 17, 2012.

b) The Parties shall identify any additional areas with respect to which they seek to submit expert testimony in response to other Parties' designations in paragraph 4(a) above on or before January 11, 2013.

c) Any Party that seeks to submit expert testimony shall serve its expert report(s) on all such areas on or before January 18, 2013.

d) The Parties shall exchange rebuttal expert reports on or before March 14, 2013.

e) Depositions of experts shall be completed by the Parties on or before April 29, 2013. All discovery shall be completed by this time.

5. **Telephonic Status Conference:** Pursuant to the Court's Order dated October 15, 2012, Plaintiff shall initiate a telephone conference between counsel for the Parties and the Court on January 8, 2013 at 9:15 a.m.

6. **Reservation of Rights:** The Parties to this Proposed Second Amended Scheduling Order and Discovery Plan expressly reserve all rights to seek relief from the Court regarding all matters, including but not limited to the issues covered herein.

Dated: New York, New York
November 26, 2012

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Dated: Goshen, New York
November 26, 2012

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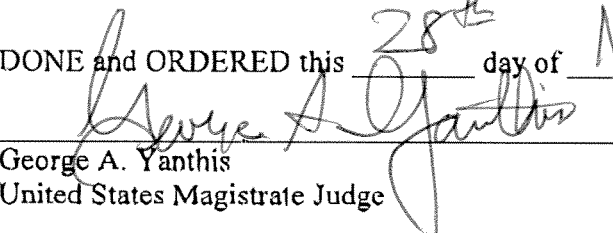
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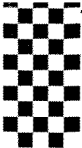

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*Attorneys for Defendants County of
Dutchess and William J. O'Neill*

DONE and ORDERED this 28th day of November, 2012.



George A. Yanthis
United States Magistrate Judge

WILMERHALE 

FACSIMILE

Date November 26, 2012

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(1)

To Honorable George A. Yanthis

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United States District Court for the Southern District of
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The Honorable Charles L. Brieant Jr. Federal Building
and US Courthouse
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White Plains, NY 10601-41

From Ross E. Firsenbaum

Pages 6 (including cover)

Re **Bozella v. County of Dutchess, et al., No. 10 Civ. 4917**

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